

U.S. Patent App'n. No. 10/601,408
Amendment Dated November 4, 2004
Response to Office Action Mailed August 4, 2004

REMARKS

Claims 1-5, 7-10 and 12-15 are pending, with claims 1-4, 7-9 and 12-14 being the only independent claims. Claims 1-4, 7-9 and 12-14 are amended and claims 6 and 11 are canceled herein. No new matter has been added.

As a preliminary matter, Applicant gratefully acknowledges the indication that claims 2, 4, 5, 7, 9, 10, 12, 14 and 15 contain allowable subject matter. In response, claims 2, 4, 7, 9, 12, 14 and 15 have been rewritten in independent form. Therefore, Applicant submits that those claims are in condition for allowance and requests withdrawal of the objection pertaining to them.

Claims 2 and 12 were objected to because of minor informalities in the claims. Such informalities have been corrected, so Applicant requests withdrawal of the objection.

Claims 1, 3, 6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,398,618 (Hansen). Claims 1, 3, 11 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,725,131 (Martin).

Hansen discloses at col. 9, lines 21-28, that when the selector lever is in the *neutral position* "the cam follower 166 is held in its downward position by the flat 158 and hence pump 4 is turned on *and the parking brake is released.*" (Emphasis added.)

Martin discloses at col. 2, line 65 to col. 3, line 27, "When the indicator 9 is set to indicate 'D' ... the emergency brake rod 11 is free of the locking pawl 18 and the emergency brakes are released." Also, when the indicator is moved to the position 'N' the emergency brake is held in the engaged position. Martin also discloses an "emergency brake hand rod which is connected to the emergency brake pull cable 11A...."

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However, neither Hansen nor Martin discloses all of the features of any one of claims 1, 3, 8 and 13. For example, neither Hansen nor Martin discloses any of the following:

- a switch or button *adapted to be manually actuable*, the switch or button operable for actuating a park brake or park lock when the control is in the neutral position (as recited in claim 1);
- a button *operable for manually actuating a park brake or park lock* when the control is in the neutral position, wherein the control is automatically operable for releasing the park brake or lock when moved from the neutral position to the forward or reverse position (as recited in claim 3);
- a three-position control shifter movable among a forward position, a neutral position, and a reverse position, the three-position control shifter including a switch or button selectably operable for actuating a park brake when the transmission is in the neutral mode, and a controller including an algorithm, wherein the algorithm commands the automatic release of the park brake when the three-position control shifter is moved from the neutral position to the forward or reverse position (as recited in claim 8); and
- a shifter adapted to be manipulated, the shifter including a button operable for actuating a park brake or park lock when in the neutral position, wherein a control is automatically operable for releasing the park brake or lock when the shifter is moved from the neutral position to the forward or reverse position (as recited in claim 13).

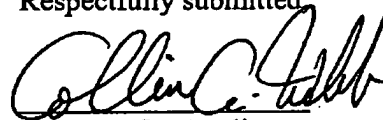
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In light of the deficiencies of the cited art, Applicant requests an early Notice of Allowance.

In other matters, any fees in addition to and including those noted in the attached Fee Transmittal Form may be charged to Deposit Account No. 14-0780, now or throughout prosecution.

If any questions remain, Applicant's undersigned attorney may be reached in our New Holland, Pennsylvania office by telephone at (717) 355-4954.

Respectfully submitted



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